IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 438 of 2005

Between:

Sammeta Kavitha, D/o Ch. Suryanarayana Rao,
R/o H.No. 19/578-1, Circar Thota, Chilakalapudi, Krishna District.

..... PETITIONER

AND

1 The Regional Manager, Andhra Pradesh State Road Transport Corporation, Krishna Region, Vijayawada.
2 The Divisional Manager, Andhra Pradesh State Road Transport Corporation, Machilipatnam, Krishna District.
3 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in terminating the license and duly forfeiting the security deposit vide No. 01/437(17)/2003-RM/K dated 22-12-2004, as illegal, improper, unjust and violation of the principles of natural justice and also Article 14 of the Constitution of India.

Counsel for the Petitioner:MRS.Y.ANUPAMA DEVI

Counsel for the Respondent Nos.1 to 3: MR.MANMADHA RAO KUMBHAJADALA

The Court at the admission stage made the following Order:

This writ petition is filed by the petitioner questioning the impugned proceedings No.01/437(17)/2003-RM/K dated 22.12.2004.

A perusal of the impugned proceedings would show that the petitioner failed to remit the licence fee from August, 2004 to October, 2004. Therefore, show-cause notice dated 28.10.2004 was issued for termination of the licence. Inspite of the receipt of the said notice, the petitioner failed to remit the amount due to the respondent-Corporation and hence, the impugned proceedings dated 22.12.2004 was issued terminating the licence to run the Pop-Corn Stall at Machilipatam Bus Station.

Learned counsel for the petitioner contended that as per terms and conditions of the Licence deed, the licensee is liable to pay interest at the rate of 3% per month in case of belated payment of monthly licence fee.

The petitioner as well as the respondent-Corporation is bound by the deed of licence dated 15.09.2003. Clause 9 of the licence deed reads as follows:

> "The licence is terminable by giving one month's notice, for default in payment of licence fee, electricity charges is beyond the stipulated date on three occasions in a calendar year or default in payment of licence fee for three months consecutively."

From the above clause, it is clear that if the licensee fails to pay the licence fee on three occasions in a calendar year or for default in payment of licence fee for three months consecutively, licence is liable to be terminated. One month's notice was given to the petitioner to clear the dues but the petitioner failed to remit the licence fee and therefore, the licence to run the Pop-Corn Stall at Machilipatnam Bus Station was terminated by proceedings dated 22.12.2004. The impugned proceedings dated 22.12.2004 does not suffer from any illegalities so as to call interference of this Court.

The writ petition is devoid of merits and it is dismissed at the stage of

admission. No costs.

20.01.2005

Note:CC by Monday

Bo

usd

To

1 The Regional Manager, Andhra Pradesh State Road Transport Corporation, Krishna Region, Vijayawada.
2 The Divisional Manager, Andhra Pradesh State Road Transport Corporation, Machilipatnam, Krishna District.
3 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Machilipatnam, Krishna District.

4. Two CD copies.